

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1077

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-46-3-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) As used in this chapter, "law enforcement animal" means an animal that is owned or used by a law enforcement agency for the principal purposes of:

- (1) aiding in:
 - (A) the detection of criminal activity;
 - (B) the enforcement of laws; and
 - (C) the apprehension of offenders; and
- (2) ensuring the public welfare.

(b) The term includes, but is not limited to, the following:

- (1) A horse.
- (2) An arson investigation dog.
- (3) A bomb detection dog.
- (4) A narcotic detection dog.
- (5) A patrol dog.
- ~~(6) A search and rescue dog.~~
- ~~(7) A tracking dog.~~

SECTION 2. IC 35-46-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) A person who knowingly or intentionally:

- (1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or

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(2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;
commits a Class A misdemeanor.

(b) An offense under subsection (a)(1) is a Class D felony if the act results in:

- (1) serious permanent disfigurement;**
- (2) unconsciousness;**
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or**
- (4) death;**

of the law enforcement animal.

(c) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or discipline; and**
- (2) acted as an employee or agent of a law enforcement agency.**

(d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:

- (1) veterinary bills; and**
- (2) replacement costs of the animal if the animal is disabled or killed.**

SECTION 3. IC 35-46-3-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11.3. (a) As used in this section, "search and rescue dog" means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.**

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or**
- (2) strikes, torments, injures, or otherwise mistreats a search and rescue dog;**

commits a Class A misdemeanor.

(c) An offense under subsection (b)(2) is a Class D felony if the act results in:

- (1) serious permanent disfigurement;**
- (2) unconsciousness;**
- (3) permanent or protracted loss or impairment of the**



function of a bodily member or organ; or

(4) death;

of the search and rescue dog.

(d) It is a defense that the accused person:

(1) engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or

(2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

(e) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:

(1) veterinary bills; and

(2) replacement costs of the dog if the dog is disabled or killed.

SECTION 4. IC 35-46-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11.5. (a) As used in this section, "service animal" means an animal that a person who is impaired by:

(1) blindness or any other visual impairment;

(2) deafness or any other aural impairment;

(3) a physical disability; or

(4) a medical condition;

relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

(b) A person who knowingly or intentionally:

(1) interferes with the actions of a service animal; or

(2) strikes, torments, injures, or otherwise mistreats a service animal;

while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A ~~infraction~~ **misdemeanor**.

(c) An offense under subsection (b)(2) is a Class D felony if the act results in the:

(1) serious permanent disfigurement;

(2) unconsciousness;

(3) permanent or protracted loss or impairment of the function of a bodily member or organ; or

(4) death;

of the service animal.

(d) It is a defense that the accused person:

(1) engaged in a reasonable act of training, handling, or disciplining the service animal; or

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(2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

SECTION 5. [EFFECTIVE JULY 1, 2003] IC 35-46-3-11 and IC 35-46-3-11.5, both as amended by this act, and IC 35-46-3-11.3, as added by this act, apply only to offenses committed after June 30, 2003.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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